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Apple Inc.*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

EPIC GAMES, INC.,  
  
Plaintiff, Counter-defendant,  
  
v.  
  
APPLE INC.,  
  
Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER APPOINTING SPECIAL MASTER**

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

Pursuant to Civil Local Rule 7-12 and Judge Gonzalez Rogers's Order of December 11, 2024 (ECF No. 1070), Plaintiff and Counter-defendant Epic Games, Inc. ("Epic") and Defendant and Counterclaimant Apple Inc. ("Apple") (collectively, the "Parties"), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, the Court has ordered the appointment of Special Masters to assist the Parties with a re-review of certain privilege assertions made by Apple (ECF No. 1070);

WHEREAS, the Court has subsequently ordered the appointment of the Honorable Wayne Brazil (Ret.), the Honorable Philip Gutierrez (Ret.), and the Honorable Suzanne Segal (Ret.) as Special Masters in this case (ECF No. 1074; ECF No. 1081);

WHEREAS, on December 22, 2024, the Honorable Wayne Brazil (Ret.) notified the Parties of his withdrawal as a Special Master;

WHEREAS, the Parties have agreed, in light of Judge Brazil's withdrawal and the need for the Special Masters to review a large number of documents on a compressed schedule, and subject to Court approval, to the appointment of the Honorable Patrick J. Walsh (Ret.) as an additional Special Master in this case;

THEREFORE, IT IS STIPULATED AND AGREED that:

1. The appointment of the Honorable Wayne Brazil (Ret.) is hereby terminated.
2. The Honorable Patrick J. Walsh (Ret.) shall cause to be filed a declaration under 28 U.S.C. § 455 confirming that there are no grounds for disqualification.
3. Effective upon the filing of the declaration set forth in paragraph 1, the Honorable Patrick J. Walsh (Ret.) is appointed pursuant to Federal Rule of Civil Procedure 53 as Special Master to assist the Parties with all reasonable diligence with the privilege re-review process described in ECF No. 1068, pursuant to the Protocol agreed-upon by the Parties and ordered by the Court. (ECF No. 1092).
4. The Special Master's hourly fee shall be his standard hourly rate at Signature Resolution for this type of work, to be divided equally between the Parties.

1 Dated: January 6, 2025

Respectfully submitted,

2 By: /s/ Yonatan Even

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22 *Epic Games, Inc.*

Dated: January 6, 2025

Respectfully submitted,

By: /s/ Mark A. Perry

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*Attorneys for Defendant and Counterclaimant*  
APPLE INC.

1 **PURSUANT TO THE FOREGOING STIPULATION AND GOOD CAUSE APPEARING,**  
2 **IT IS SO ORDERED.**

3 Dated: January 6, 2025

4   
HON. YVONNE GONZALEZ ROGERS

**E-FILING ATTESTATION**

I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Yonatan Even  
Yonatan Even